S.B. CRIMINAL MISC. BAIL APPLICATION NO. 2101/2007
(Nausad Vs. State of Raj.)

DATE OF ORDER : 13.7.2007

HON'BLE MR. JUSTICE BHANWAROO KHAN

Mr. Ramesh Purohit, for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor.

Heard learned counsel for the applicant-petitioner and learned Public Prosecutor for the State.

The allegation against the accused-person is under Sections 366, 384 and 376 IPC, in which during investigation the statement under Section 164 Cr.P.C was recorded wherein she has categorically stated that she was raped by accused-Nausad in hotel before one year of lodging this FIR. During this entire period, he used to blackmail her and used to call, because of defamation she could not lodge the FIR. On the day of incident, he forced her to go into the hotel by saying the possession. She narrated all story to the police, upon which this case was registered. The challan has already been filed.

At this juncture, looking to the facts and circumstances of the case, it is not a fit case to enlarge the accused-petitioner on bail under Section 439 Cr.P.C.

Accordingly, the bail application under Section 439 Cr.P.C. is rejected with liberty to the petitioner to file afresh as and when the statement of prosecutrix is recorded before the trial court.

(BHANWAROO KHAN),J.

RM/-